

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKUNITED STATES OF AMERICA :
-----xv. :
-----xTRACEY MOOD, :
Defendant. :
-----x**ORDER**

19 CR 113 (VB)

Copies Mailed/Faxed
Chambers of Vincent L. Briccetti
DA

By Memorandum Opinion and Order dated June 16, 2020, the Court denied defendant Tracey Mood's motion for a reduction of sentence pursuant to 18 U.S.C. § 3582(c)(1)(A)(i). Mood moved for reconsideration, which the Court denied by Order dated September 10, 2020. Mood then filed a renewed motion for a reduction of sentence, which was denied by Order dated January 25, 2021. Mood filed a second renewed motion for a reduction of sentence, which was denied by Order dated August 23, 2021, and his motion for reconsideration was denied on September 7, 2021. Mood has now filed a third renewed motion for a reduction of sentence, arguing (as he has repeatedly argued before) that he is overweight and has diabetes and high blood pressure, which puts him at risk of serious complications from COVID-19 if he becomes infected with the disease. The Court notes that Mood has previously contracted and recovered from COVID-19.

Mood's medical records reflect he is fully vaccinated against COVID-19, including having recently received a booster dose, which means his risk of serious complications if he becomes infected again are low, notwithstanding his underlying health conditions. Moreover, Mood's BOP medical records continue to reflect that his health conditions are stable and being effectively managed by routine monitoring and medication. Thus, the Court concludes there are no "extraordinary and compelling reasons" to warrant early termination of Mood's lawfully imposed prison sentence. See 18 U.S.C. § 3582(c)(1)(A)(1).

Mood has served only about half of his 84-month sentence for organizing and leading a conspiracy to distribute crack cocaine and heroin in and around Port Chester, New York, during which he used multiple couriers to deliver the drugs and collect the money. Because of the seriousness of the offense and the fact that Mood has seventeen prior convictions, including eight felony drug convictions, as well as multiple prior prison sentences and several parole revocations, the 18 U.S.C. § 3553(a) sentencing factors, which Section 3582(c)(1)(A) requires the Court to consider—namely, the need to promote respect for the law, provide just punishment, afford adequate deterrence, and protect the public from further crimes of the defendant—continue to weigh strongly against a reduction of sentence in this case.

The instant motion is therefore DENIED.

Chambers will mail a copy of this Order to defendant at the following address:

Tracey Mood, Reg. No. 86057-054
FCI Schuylkill
Federal Correctional Institution
P.O. Box 759
Minersville, PA 17954

Dated: February 7, 2022
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge